

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Case No.: 21-12139 (MG)
Chapter 7

78-80 ST MARKS PLACE, LLC,

Debtor,
-----X

AFFIDAVIT

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

RICHARD B. MALTZ, being duly sworn, deposes and says:

1. I am the Chief Executive Officer of Maltz Auctions, Inc. d/b/a Maltz Auctions (the "**Firm**"), a New York corporation with offices at 39 Windsor Place, Central Islip, New York 11722.
2. This Affidavit is submitted in support of the Application of Marianne T. O'Toole, Chapter 7 Trustee (the "**Trustee**") of 78-80 St Marks Place, LLC (the "**Debtor**"), for an Order authorizing the Trustee to retain the Firm as real estate broker to market and sell the Debtor's real property.
3. The Firm is experienced and qualified to represent the Trustee in connection with the Trustee's administration of the Debtor's estate and to market and sell the Debtor's real property.
4. The Firm is a full-service real estate brokerage, auction, appraisal, consulting, liquidation and management firm whose senior management team has been engaged in these fields for in excess of 80 combined years, with extensive experience selling real property comparable to the Debtor's real property. The Firm is a bonded in the Southern and Eastern Districts of New York and the requisite bond is on file with the Office of the United States Trustee for this District.
5. I am recognized by the Department of State of New York as a licensed real estate broker and the New York City Department of Consumer Affairs as a licensed auctioneer. I am recognized by the State of New York Unified Court System Office of Court Administration Services appointment processing unit as eligible to serve as auctioneer, real estate broker, receiver and appraiser.
6. In preparing this Affidavit, I used a set of procedures developed by the Firm to ensure compliance with the Bankruptcy Code and the Bankruptcy Rules regarding the retention of professionals. Pursuant to such procedures, I conducted a search of the Firm's client database to determine whether the Firm


has any connections to the Debtor. I also conducted a search to determine whether the Firm is presently engaged by or on behalf of any creditors of the Debtor or other interested parties in this case, including the Debtor's principals as disclosed in its Statement of Financial Affairs. No matches were found and thus this search has not identified any additional parties involved or any which might pose a potential basis for a conflict.

7. The Firm represents or has represented Marianne T. O'Toole in a fiduciary capacity in other unrelated bankruptcy cases.
8. Neither I, the Firm, nor any associate or employee thereof, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtor or its estate. I believe the Firm to be a "disinterested person" within the meaning of section 101 (14) of the Bankruptcy Code.
9. I advised the Trustee of this Firm's willingness to serve as real estate broker to the Trustee and to accept compensation in the amount of a four percent (4%) buyer's premium, adding this amount to the high offer to reflect the total purchase price which will then be paid by the successful purchaser. The Firm shall be compensated in full via the buyer's premium and shall not be entitled to reimbursement of any marketing expenses. If the sale is cancelled due to a settlement or for any reason whatsoever, Maltz reserves the right to seek reasonable fees and reimbursement of expenses, upon prior consent of the Trustee.
10. The Firm will seek compensation consistent with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York. The Firm understand it shall only be paid after notice and subject to a separate Order of the Bankruptcy Court.
11. To the best of my knowledge, information and belief, the Firm has not entered into any agreement prohibited by section 155 of title 18 of the United States Code or Federal Rule of Bankruptcy Procedure 2016 (b).

Sworn to before me this
1st day of September, 2022



Richard B. Maltz



Debra A. Donovan
Notary Public of New York
No. 01DO6003880
Qualified in Suffolk County
Commission Expires March 9, 2026